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9 Attorneys for Independent Plaintiffs

F I L E D
Clerk of the Superior Court

OCT 04 2007

By: K SANDOVAL, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

Coordination Proceeding Special Title
(Rule 1550(b))

JCCP Nos. 4221, 4224, 4226 & 4228

NATURAL GAS ANTI-TRUST CASES I, II,
III, IV

**[PROPOSED] ORDER REGARDING
SCHEDULE FOR NEW BRIEFING IN
RESPONSE TO THE FIRST AMENDED
COMPLAINT**

This Document Relates to:

THE PRICE INDEXING CASES

Date: September 28, 2007
Time: 2:00 pm
Dept.: 71
Honorable Ronald S. Prager

**[PROPOSED] ORDER RE SCHEDULE FOR NEW BRIEFING IN RESPONSE TO THE FIRST
AMENDED COMPLAINT; JCCP Nos. 4221, 4224, 4226 & 4228**

1 On September 28, 2007, the Court held a telephonic conference regarding the schedule
2 for new briefing in response to the First Amended Complaint. Joseph W. Cotchett, Nancy L.
3 Fineman and Nanci E. Nishimuri of Cotchett, Pitre & McCarthy appeared for Independent
4 Plaintiffs; Barry Himmelstein and William Bernstein of Lieff, Cabraser, Heiman & Bernstein,
5 LLP, and Aaron M. Sheanin of Girard Gibbs LLP appeared for the Class Plaintiffs; Lindsey
6 Blenkhorn and James Fogelman of Gibson Dunn & Crutcher appeared on behalf of Sempra
7 Energy, San Diego Gas and Electric Company, Southern California Gas Company; Michael J.
8 Kass and Douglas T. Tribble of Pillsbury Winthrop Shaw Pittman, LLP appeared on behalf of
9 Defendants Dynegy Inc. and Dynegy Power Marketing and Trade; Jeffrey M. Shohet of DLA
10 Piper US LLP appeared on behalf of Defendants The Williams Companies, Inc. and Williams
11 Power Company, Inc.; Roxanna Manuel of Quinn Emanuel Urquhart Oliver & Hedges and
12 Joshua D. Lichtman of Fulbright & Jaworski LLP appeared on behalf of Defendant Coral Energy
13 Resources, LP; Michelle Goodman of Sidley Austin LLP appeared on behalf of Defendant CMS
14 Energy Resources Management Co.; Joel B. Kleinman of Dickstein Shapiro LLP appeared on
15 behalf of Defendants Duke Energy Corporation and Duke Energy Trading and Marketing LLC;
16 Brendan P. Cullen of Sullivan & Cromwell LLP on behalf of Defendant WD Energy; Peter
17 Jazayeri of Stroock, Stroock & Lavan appeared on behalf of Defendant Sempra Energy Trading
18 Corp.; Christopher J. Healey of Luce, Forward, Hamilton & Scripps and Scott Humphrey and
19 Amy Tabor of Baker Botts LLP appeared on behalf of Defendant Reliant Energy Services; and
20 Marcus Mumford of Skadden Arps Slate, Meagher & Flom LLP appeared on behalf of Defendant
21 Mary Kathleen Zanaboni.

22 After discussing this matter with counsel, the Court finds that rather than ruling on the
23 pending demurrers of Defendants Sempra Energy, Southern California Gas Company and San
24 Diego Gas & Electric Company, and Duke Energy Corporation and Duke Energy Trading and
25 Marketing L.L.C., joined in by the other Defendants, to the Independent Plaintiffs' First
26 Amended Complaint, it would be more efficient to have new responsive pleadings to the First
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1 Amended Complaint in light of the Ninth Circuit's recent opinions. Therefore, the Court orders
2 as follows:

3 1. By Friday, October 19, 2007, Defendants will file and serve at most two
4 demurrers or other responsive pleadings to Plaintiffs' First Amended Complaint. Defendants are
5 encouraged to file a single joint demurrer or motion to the extent possible.

6 2. By Friday, November 2, 2007, Plaintiffs are to file and serve their joint
7 opposition.

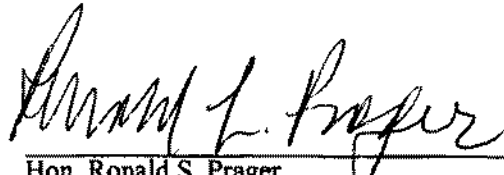
8 3. By Tuesday, November 13, 2007, Defendants are to file and serve their reply. At
9 the time of the filing of their reply, the Defendants shall also submit to the Court two hearing
10 binders which contain all of the parties' pleadings.

11 5. On Tuesday, December 4, 2007 at 10:00 a.m., the Court will hold a hearing on
12 this matter. The Court will issue a tentative on Monday, December 3, 2007.

13 6. The Status Conference of November 9, 2007 is off calendar as moot.

14 IT IS SO ORDERED.


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16 Dated: OCT 04 2007, 2007


Hon. Ronald S. Prager
Coordination Trial Judge

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19 APPROVED AS TO FORM:

20 Dated: October 2, 2007

LUCE, FORWARD, HAMILTON & SCRIPPS


Christopher J. Healey
on behalf of all Defendants